

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In Re

COMMERCIAL BANK OF DUBAI PSC

Petitioner, for an Order to Take Discovery
Pursuant to 28 U.S.C. § 1782

Case No. _____

**EX PARTE PETITION OF
COMMERCIAL BANK OF
DUBAI PSC FOR AN ORDER TO
TAKE DISCOVERY PURSUANT
TO 28 U.S.C. § 1782**

Petitioner Commercial Bank of Dubai PSC (“Petitioner”), by their undersigned counsel, Reid Collins & Tsai LLP, respectfully moves this Court for an order pursuant to 28 U.S.C. Section 1782 (“Section 1782”) permitting Petitioner to serve subpoenas for document production on Bank of America, N.A., Bank of Communications, Barclays Bank PLC, BNP Paribas New York, Citibank, N.A., Deutsche Bank AG, Deutsche Bank Trust Company Americas, HSBC Bank USA, N.A., JPMorgan Chase Bank, N.A., Mashreqbank pcs, Mizuho Bank, Ltd. – NY, Société Générale, Standard Chartered Bank, Sumitomo Mitsui Banking Corporation, The Bank of New York Mellon, The Northern Trust Company, UBS AG, and Wells Fargo Bank, N.A. (together, “Bank Respondents”); and The Clearing House Payments Company L.L.C. (“CHP,” and together with the Bank Respondents, “Respondents”) requesting them to produce documents for use by Petitioner in the English High Court (Business and Property Division) (the “English Court”) under claim number CL-2022-000048 (the “English Proceedings”).

As set forth in the accompanying memorandum of law, the Petition meets all statutory requirements necessary to obtain discovery under Section 1782 because (i) the Respondents are all found in this district, (ii) Petitioner seeks the discovery for use in the pending English Proceedings, and (iii) Respondents are not parties to the pending English Proceedings.

As further set forth in the accompanying memorandum of law, the four discretionary

factors set forth in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241 (2004), all weigh in favor of granting the Petition and authorizing the discovery Petitioner seeks because (i) Respondents are not participants in the English Proceedings, nor are they subject to the jurisdiction of the English Court, (ii) the English Court is receptive to this discovery, (iii) Petitioner is not attempting to circumvent any restrictions of the English Court, and (iv) the requested discovery is not unduly intrusive or burdensome.

Petitioner requests that the Petition be granted *ex parte*, as this Court routinely considers Section 1782 applications *ex parte*, and Respondents will not be prejudiced because they will have the opportunity to move for relief prior to the deadlines to comply with Petitioner's subpoenas.

In support of this Petition, Petitioner relies on the accompanying memorandum of law, the Declaration of Dr. Souhayel Tayeb, the Declaration of Faisal Osman with its accompanying exhibits, and the Declaration of Yonah Jaffe, Esq. with its accompanying exhibits. A proposed Order is being submitted herewith.

WHEREFORE, Commercial Bank of Dubai PSC respectfully requests that this Court enter an order:

1. Granting the Petition for discovery pursuant to Section 1782;
2. Authorizing Petitioner to issue subpoenas for the production of the documents substantially in the form of Exhibit A to this Petition;
3. Directing Respondents to comply with such subpoenas in accordance with the Federal Rules of Civil Procedure and the rules and orders of this Court;
4. Providing other and further relief to Petitioner as the Court deems just and proper.

Dated: September 9, 2024
New York, New York

REID COLLINS & TSAI LLP

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